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Attorneys for Plaintiff
INTUSCARE INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

INTUSCARE INC.,

Plaintiff,

v.

RTZ ASSOCIATES, INC.; and DOES 1
through 10,

Defendants.

Case No. 4:24-cv-1132-JST

Assigned to: Hon. Jon S. Tigar

**DECLARATION OF CHARLES E.
WEIR IN SUPPORT OF PLAINTIFF
INTUSCARE INC.'S MOTION FOR
PARTIAL SUMMARY JUDGMENT**

Date: June 19, 2025

Time: 2:00 p.m.

Courtroom: 6

Complaint Filed: February 23, 2024

Amended Complaint Filed: April 2, 2024

Counterclaims Filed: June 20, 2024

DECLARATION OF CHARLES E. WEIR

I, Charles E. Weir, declare:

1. I am an attorney at law, duly authorized and licensed to practice before all of the courts of the state of California, and before this Court, and I am a partner with Manatt, Phelps & Phillips, LLP, counsel of record for Plaintiff IntusCare Inc. (“Intu’s”). I make this declaration in support of Plaintiff Intus’ Motion for Partial Summary Judgment. I have personal knowledge of the facts set forth in this declaration and if called as a witness, I could and would competently testify to those facts.

2. On April 15, 2025, Manatt personnel pulled the “RTZ” search result from the ONC’s Certified Health IT Product List website. A true and correct copy of the webpage showing this search result is attached hereto as **Exhibit 1**.

3. On January 24, 2024, Manatt personnel captured the homepage of RTZ’s website on which RTZ stated that it is a “ONC-ATBC certified Electronic Health Record.” A true and correct copy of the webpage showing this search result is attached hereto as **Exhibit 2**.

4. On April 15, 2024, Manatt personnel captured the homepage of RTZ’s website on which RTZ stated that PACECare provides “[c]ertified lab interfaces (e.g., Quest, Sunquest)” and “[c]ertified e-prescribe interfaces (e.g., CareKinesis, Surescripts).” A true and correct copy of the webpage showing this search result is attached hereto as **Exhibit 3**.

5. A true and correct copy of emails produced by Intus in this action is attached hereto as **Exhibit 4**.

6. A true and correct copy of RTZ’s contract with Brio Living Services, produced by RTZ in this action, is attached hereto as **Exhibit 5**.

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EXHIBIT 1

RTZChartCare (a comprehensive, standalone EHR system compatible with the GetCare family of products, including PACECare, CADCare, HOMCare, MSSPCare, and more)

[VIEW LISTING HISTORY](#) [COMPARE](#) LISTING INFORMATION CERTIFICATION CRITERIA CLINICAL QUALITY MEASURES 

COMPLIANCE

Listing Information

CHPL PRODUCT NUMBER:

CHP-007607

ONC-ACB CERTIFICATION ID:

IG-2561-11-0123

CERTIFICATION DATE:

Sep 30, 2011

VERSION:

v.2

CERTIFICATION EDITION:

2011

CERTIFICATION STATUS:Retired **PRACTICE TYPE:**

Ambulatory

CLASSIFICATION TYPE:

Complete EHR

ONC-AUTHORIZED CERTIFICATION BODY:

UL LLC

ONC-AUTHORIZED TESTING LABORATORY:**RELIED UPON SOFTWARE:**

N/A

MANDATORY DISCLOSURES:

No report on File

Developer

DEVELOPER:[RTZ Associates, Inc.](#)**DEVELOPER WEBSITE:**<http://RTZAssociates.com>
(<http://RTZAssociates.com>)<http://www.hhs.gov/disclaimer.html>

SELF-DEVELOPER:

No

Address:

150 Grand Ave, Suite 201
Oakland, CA 94612, USA

Contact

Rick Zawadski
510-896-6700
rick@rtzassociates.com

Conditions and Maintenance of Certification**ATTESTATIONS:**RTZ Associates, Inc.**Certification Criteria**

(35 found)

✓ **Retired | 170.302 (a)** Drug-drug, drug-allergy interaction checks

✓ **Retired | 170.302 (b)** Drug formulary checks

✓ **Retired | 170.302 (c)** Maintain up-to-date problem list

✓ **Retired | 170.302 (d)** Maintain active medication list

✓ **Retired | 170.302 (e)** Maintain active medication allergy list

✓ **Retired | 170.302 (f)(1)** Vital signs

✓ **Retired | 170.302 (f)(2)** Calculate body mass index

✓ **Retired | 170.302 (f)(3)** Plot and display growth charts

✓ **Retired | 170.302 (g)** Smoking status

✓ **Retired | 170.302 (h)** Incorporate laboratory test results

✓ **Retired | 170.302 (i)** Generate patient lists

- ✓ **Retired | 170.302 (j)** Medication reconciliation
- ✓ **Retired | 170.302 (k)** Submission to immunization registries
- ✓ **Retired | 170.302 (l)** Public health surveillance
- ✓ **Retired | 170.302 (m)** Patient specific education resources
- ✓ **Retired | 170.302 (n)** Automated measure calculation
- ✓ **Retired | 170.302 (o)** Access control
- ✓ **Retired | 170.302 (p)** Emergency access
- ✓ **Retired | 170.302 (q)** Automatic log-off
- ✓ **Retired | 170.302 (r)** Audit log
- ✓ **Retired | 170.302 (s)** Integrity
- ✓ **Retired | 170.302 (t)** Authentication
- ✓ **Retired | 170.302 (u)** General encryption
- ✓ **Retired | 170.302 (v)** Encryption when exchanging electronic health information
- ✓ **Retired | 170.302 (w)** Accounting of disclosures (optional)
- ✓ **Retired | 170.304 (a)** Computerized provider order entry
- ✓ **Retired | 170.304 (b)** Electronic Prescribing
- ✓ **Retired | 170.304 (c)** Record demographics
- ✓ **Retired | 170.304 (d)** Patient reminders
- ✓ **Retired | 170.304 (e)** Clinical decision support

✓ **Retired | 170.304 (f)** Electronic copy of health information

✓ **Retired | 170.304 (g)** Timely access

✓ **Retired | 170.304 (h)** Clinical summaries

✓ **Retired | 170.304 (i)** Exchange clinical information and patient summary record

✓ **Retired | 170.304 (j)** Calculate and submit clinical quality measures

Clinical Quality Measures

SEE ALL CQMS (13 found)

Meets	Quality Measure
✓	NQF-0013: Hypertension: Blood Pressure Measurement
✓	NQF-0018: Controlling High Blood Pressure
✓	NQF-0024: Weight Assessment and Counseling for Children and Adolescents
✓	NQF-0028: Preventive Care and Screening Measure Pair: a) Tobacco Use Assessment b) Tobacco Cessation Intervention
✓	NQF-0038: Childhood Immunization Status
✓	NQF-0041: Preventive Care and Screening: Influenza Immunization for Patients >= 50 Years Old
✓	NQF-0043: Pneumonia Vaccination Status for Older Adults
✓	NQF-0059: Diabetes: HbA1c Poor Control
✓	NQF-0061: Diabetes: Blood Pressure Management
✓	NQF-0064: Diabetes: LDL Management & Control

Meets**Quality Measure**

NQF-0084: Heart Failure (HF): Warfarin Therapy Patients with Atrial Fibrillation



NQF-0421: Adult Weight Screening and Follow-up



NQF-0575: Diabetes: HbA1c Control (<8%)

Compliance Activities

Inherited Certified Status Surveillance Activities

(0 found)

[Show Details](#) ▼

Surveillance Activities

(0 found)

[Show Details](#) ▼

Direct Review Activities

(0 found)

[Show Details](#) ▼

Additional Information

Certification History

N/A

Estimated Number of Promoting Interoperability Users

No Promoting Interoperability Users data exists.

[Helpful Home](#) | [Privacy Policy](#)| [Disclaimer](#)| [Viewers & Players](#)

Links

<http://www.hhs.gov/privacy.html>, <http://www.hhs.gov/disclaimer.html>, <http://www.hhs.gov/plugins.html>

Affiliate



Websites

<https://www.whitehouse.gov/>, <https://www.usa.gov/>, <http://www.hhs.gov/>, <https://gobierno.usa.gov/>

Owned by the Assistant Secretary for Technology Policy

EXHIBIT 2



[Request Demo](#)

[Client Portal](#)



**EASY-TO-USE SOFTWARE.
EASY-TO-WORK-WITH
COMPANY.**

An ONC-ATBC certified Electronic Health Record designed specifically for PACE by people who know PACE.



**FUTURE-PROOF SOLUTION:
NO-COST SYSTEM UPDATES.**

Never worry about your software becoming outdated over time or falling out of compliance.



**HELP WHEN YOU NEED IT SO
YOU CAN FOCUS ON YOUR
CLIENTS.**

Connect with subject-matter experts, system specialists, and product focus/user groups to get answers quickly.

EXHIBIT 3



[Request Demo](#)

[Client Portal](#)

[Learn more about our company](#)

Everything you need in one product:

- | | |
|---|---|
| ✓ Complete PACE-specific system
(from marketing / intake to claims adjudication) | ✓ Advanced scheduling modules
(from day center to transportation scheduling) |
| ✓ Certified lab interfaces
(e.g. Quest, Sunquest) | ✓ Certified e-prescribe interfaces
(e.g. CareKinesis, Surescripts) |
| ✓ Centralized care plan functionality designed around your workflow
(IDT-centric, CMS-aligned) | ✓ Full compliance reporting
(e.g. RAPS, Encounters, HPMS, DataPACE3) |
| ✓ Mobile device ready
(e.g. iOS, Android) | |

EXHIBIT 4

EXHIBIT FILED
UNDER SEAL

EXHIBIT 5

EXHIBIT FILED
UNDER SEAL

EXHIBIT 6

EXHIBIT FILED
UNDER SEAL

EXHIBIT 7

EXHIBIT FILED
UNDER SEAL

EXHIBIT 8

EXHIBIT FILED
UNDER SEAL

EXHIBIT 9

EXHIBIT FILED
UNDER SEAL